EXHIBIT D.

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

&

ENVIRONMENTAL ASSESSMENT (EA)

U.S. ARMY CORPS OF ENGINEERS LOS ANGELES DISTRICT

FINDING OF NO SIGNIFICANT IMPACT

Continued Operation of Pine Canyon and Mathews Canyon Dams, Lincoln County, Nevada

OPN # 00-07

I have reviewed the attached Environmental Assessment which was prepared for the Pine and Mathews on Corps lands in Nevada. This project updates information in the Water Control Manuals for these two dams. Both dams protect the town of Caliente, Nevada, Union Pacific Railroad trackage and assorted local roads from flooding.

Resources potentially affected by this project are discussed in the Environmental Effects section of the EA. Primary impacts to natural resources in this area would be minor in nature and due to continued operation of both ungated dams. There is expected to be no lasting, negative impact to resources in the area, due to this project. Mitigation for the project was not deemed to be necessary since no construction or maintenance activity will occur. These lands are not leased out for any purpose.

This project would not be expected to impact an endangered species or the designated critical habitat of any listed species. Both dams offer primitive day use - camping facilities which benefit local residents.

Consideration of all the significant factors and all pertinent environmental legislation, in addition to comments and coordination with concerned agencies as discussed in the EA, indicate that the proposed action would not significantly affect the quality of the human environment nor would there be significant adverse environmental effects. Therefore, an Environmental Impact Statement will not be required, pursuant to 33 CFR 230.11.

	Prepared by:	
	Phyllis A. Träbold Ecologist, Natural Resources Management Section	Date 27 August 2000
	Approval Recommended by:	
	Charles S. Duyer	23 august 2000
	Charles S. Dwyer Chief, Operations Branch	Date
	Approved by:	
	Harlin Vandy LTC, EN	24 AUGOC
For	Z-John P. Carroll	Date
	Colonel, Corps of Engine	
	District Engineer	

Operations Branch Public Notice OPN # 00-01 Comment Period: June 27 through July 27, 2000

CONTINUED OPERATION OF PINE CANYON AND MATHEWS CANYON FCB'S, LINCOLN COUNTY, NEVADA

Applicant(s)

U.S. Army Corps of Engineers, Los Angeles District Reservoir Regulation Section 911 Wilshire Blvd. Los Angeles, CA 90017 213.452.3533

Location

Pine Canyon and Mathews Canyon Flood Control Basins, near Caliente, Lincoln County, Nevada. The U.S. Army Corps of Engineers owns and operates these two dams and basins.

Activity

The Pine Canyon Dam and Mathews Canyon Dam provide flood protection to the town of Caliente, Nevada, 80 miles of Union Pacific Railroad trackage and 3,500-acres of cropland. Both dams are ungated and when water reaches the outlet structure it flows out via gravity.

The Water Control manuals discuss different inflow-outflow scenarios which are based on precipitation events vs. outlet capacity. The Reservoir Regulation staff wishes to update the water control manuals based on the latest historic flood information and computer storm modeling. Both dams operate independently of each other. The outflow from each basin flows into Clover Creek and eventually Lake Mead. No construction would occur as a result of this project.

This project would allow both these Water Control manuals to be updated. They were last revised in 1974 (Pine Canyon) and 1975 (Mathews Canyon).

Interested parties are invited to provide their views on the proposed activity

which will become part of the record and will be considered in the decision.

Please mail comments to:

U.S. Army Corps of Engineers ATTN: Phyllis Träbold CESPL-CO-O P.O. Box 532711 Los Angeles, CA 90053-2325

Comments should be received by July 27, 2000.

Evaluation Factors

The decision whether or not to proceed with this project will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. The decision will reflect the national concern for protection and utilization of important resources. The benefit(s) which may reasonably be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include: conservation, economics, general environmental concerns, aesthetics, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, soil erosion, recreation, water supply and conservation, water quality, energy needs, safety, food production, and, in general, the needs and welfare of the people.

For additional information please contact: Phyllis Träbold, Operations Branch, Ecologist, (213) 452.3391.

This public notice is issued by the Chief, Construction-Operations Division.

DEPARTMENT OF THE ARMY LOS ANGELES DISTRICT CORPS OF ENGINEERS

FINAL ENVIRONMENTAL ASSESSMENT

PROPOSED PROJECT:

Continued Operation of the Pine Canyon and Mathews Canyon Dams

APPLICANT: Reservoir Regulation Section, Los Angeles District LOCATION: Pine Canyon & Mathews Canyon Flood Control Basins, Caliente, Nevada

REVIEW PERIOD:

June 27, 2000 - July 27, 2000

Prepared For:
US ARMY CORPS OF ENGINEERS
Los Angeles District
Operations Branch
911 Wilshire
Los Angeles, California 90017

Prepared by:
Phyllis Träbold, Operations Branch
Los Angeles District
U.S. Army Corps of Engineers

DRAFT ENVIRONMENTAL ASSESSMENT

Continued Operation of the Pine Canyon and Mathews Canyon Dams

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A. Mailing List

1.0 PROJECT INFORMATION

Project Proponent: US Army Corps of Engineers

Operations Branch POC - Phyllis Trabold - (213) 452.3391

911 Wilshire, Suite 11063 Los Angeles, California 90017

Project Name: Continued Operation of Pine Canyon & Mathews Canyon Dams

Introduction and Rationale: This document constitutes the draft environmental analysis (EA) and public notification for a proposed Corps of Engineers action on Federal land, pursuant to the National Environmental Policy Act (NEPA). The document's public review period is June 27, 2000 through July 27, 2000.

Project Type:

"Overall, the project is to establish the environmental baseline condition at both reservoirs, and to continue the present operation of both dams. The finalized environmental assessment is part of the process to update the water control manuals for each dam that are both scheduled to be revised in accordance with the Corps' current guidelines. Since both dams have ungated outlets, they are designed as "self operating" and their water control plans cannot be modified without doing a major design change in the dams themselves. The project does not alter the performance of the dams as originally intended to control floods, and therefore, has no effect on water control plans.

Overall, the project would show the water outflow rates for each dam based on fluctuating water elevations. The quantity of storm water and the length of time it is impounded depend on the current precipitation cycle. Downstream flows through the watershed would continue to affect the landscape as at present. No construction activity will occur as a result of this project.

A water control manual is a Corps publication that contains the current information about a dam, its reservoir, the regulating policy and a description of the organizations responsible for or affected by its operation. Also included in a manual are discussions of issues related to the dam operation such as but not limited to flood control, recreation, environmental, and commercial issues. The Matthews canyon dam Water Control manual is currently being revised and Pine Canyon Dam Water Control manual is currently scheduled for next year. Both water control mauls need an Environmental Assessment (EA) to establish the baseline environmental setting and to obtain environmental clearances for continued operation prior to their approval.

Water control manuals (WCM's) discuss storm water storage-release scenarios based on different types of storm events. For ungated dams, the manuals address the water

elevations and quantity of water outflow at different elevations. This project will update the water inflow chart and the water storage vs. outflow ratios using the most current information from historic flood events, changes in the quantity or timing of flood water accumulation or other pertinent information. These manuals allow the Corps to predict the quantity of outflow and storage based on the timing and quantity of storm water accumulation.

Neither dam basin is intended for permanent water storage but passively holds water as it arrives until the water levels subside naturally. Both dams are intended to minimize downstream flood damage during storms using ungated outlet structures, which detain storm water and release it more slowly over a longer time span. This project will update the background information, i.e., economics and population. No changes in the dam or basin information are needed. The Mathews Canyon WCM will be revised during Summer, 2,000, followed by the Pine Canyon WCM about 1 year later.

Project Location: The project location is 20 miles southeast of Caliente, Nevada in Lincoln County, Nevada. Pine Canyon FCB is located in Pine Canyon and Mathews Canyon FCB is located in Mathews Canyon. The State of Nevada Parks Department operates Beaver Dam State Park nearby. The two existing watersheds, Pine Canyon and Mathews Canyon, are part of the Muddy River Basin. Both watersheds direct the storm water into their respective basins, Pine Canyon FCB and Mathews Canyon FCB, and ultimately to Lake Mead.

The Corps owns the dam structures, reservoir lands, and a portion of land downstream of each dam for the outlet channel floodway. The dams were designed to work in conjunction with each other for flood control.

Purpose and Need: The project purpose is to document the current environmental baseline conditions at both reservoir areas and to obtain environmental clearances for their continued operation. An EA is necessary to accompany the Mathews canyon Dam and the Pine Canyon Dam Water Control Manuals, which are scheduled for revision in accordance with the Corps latest requirements for water control manuals. The project does not include a change in the regulating policy or the water control plan of each dam, and therefore, will not result in any change in the dams' effects to the environment

The project purpose is to provide the most current storage/outflow information on Pine Canyon and Mathews Canyon Dams for the Corps and local interests, including the Union Pacific Railroad, the Bureau of Land Management and the town of Caliente, Nevada. The BLM owns lands surrounding Corps property.

Project Description: The Corps will distribute a draft Environmental Assessment for public review during 27 June- 27 July 2000 and comments will be received and answered during July 2000. A Final Environmental Assessment, resulting from the present environmental

assessment process, may be completed by August 2000. The revised water control manuals will be available for review, if requested, through the Corps, Los Angeles District, Hydrology and Hydraulics Branch as well as available in large part through the Los Angeles District's Internet website.

2.0 ALTERNATIVES TO THE PROPOSED PROJECT AND DISCUSSION

None of the alternatives is going to result in any physical impact. Under all alternatives, the flood control performance of the dams will remain as they have been.

The project necessitates continuing implementation of revised water control manual for Pine Canyon and Mathews Canyon FCB's using the most current hydrologic information.

The following alternatives to the proposed action -

- NO ACTION ALTERNATIVE This alternative is the proposed alternative.
- SOME ACTION ALTERNATIVE No action alternatives are being considered.

The proposed FULL ACTION ALTERNATIVE, which was developed by the Reservoir Regulation staff, appears to best solve the potential need.

3.0 AFFECTED ENVIRONMENT AND PROJECT SETTING

The project setting at Pine Canyon and Mathews Canyon is described in the following paragraphs. The extent and timing of future flood events cannot be predicted.

3.1 VEGETATION AND HABITAT

- a. In general, both Pine Canyon Flood Control Basin (FCB) and Mathews Canyon Flood Control Basin represent small basins delineated at the east by a long dam (earth embankment), with Pine Canyon Wash and Mathews Canyon Wash respectively, meandering through them. Deer use both canyons year round. Pine Canyon FCB is surrounded by the BLM's Sheep Flat Grazing Allotment # 73 and Mathews by BLM's Haypress Allotment # 71. Livestock on these allotments stray onto Corps lands. The type of habitat at these elevations is pinyon juniper and is characterized by the following vegetation types: crested-wheatgrass, pinyon and juniper.
- b. Project Effects on Vegetation/Habitat

During water storage all vegetation up to the water storage level will be wholly or partially inundated until the storage level declines. Depending on prevailing weather patterns the habitat would continue being affected as it has been, ie. some inundation, scouring, or intermittent drying out.

3.2. Wildlife

a. In addition to the above information, common wildlife species include: mountain lion, coyote and deer as well as small mammals, reptiles and birds.

b. Project Effects on Wildlife

Any ground-dwelling species, especially subterranean species, unable to fly, who remained in the inundation zone would likely drown during flow events. These species have adapted to intermittent weather conditions.

3.3 NATURAL DRAINAGE

- a. Pine Canyon Wash and Mathews Canyon Wash each flow into Clover Creek several miles downstream of their respective dams. Clover Creek flows northwest toward Clover Valley, then into the Virgin River and eventually Lake Mead.
- b. Project Effects on Natural Drainage

The two dams do not appreciably affect natural drainage patterns at either dam site since they only delay the water flow.

3.4 RIPARIAN AND WETLAND RESOURCES

a. The two basins do not contain significant permanent wetland habitat. Water unable to reach the outlet behind each dam may create small moist area (more so at Mathews Dam) and contribute to varying elevations of subsurface water distribution. Eventually this water percolates or evaporates but may be retained seasonally.

The two basins do not contain significant permanent wetland habitat. Water unable to reach the outlet behind each dam may create small areas of seasonal moist areas (more so at Mathews Dam) and contribute to varying elevations of subsurface water distribution. Eventually this water generally percolates or evaporates but may be retained in seasonally moist areas of small extent.

b. Project Effects on Riparian and Wetland Resources

The dams have long affected, but not controlled, riparian resources by their passive response to weather patterns. The patchiness of riparian vegetation is a response more to local weather patterns than to the dams themselves.

The State Regional Water Quality Control Board and other State, Federal, and local

resource agencies will be notified of this project by public notice and their comments will be solicited for inclusion during the public review process.

3.5 ENDANGERED AND THREATENED SPECIES

- a. Federally listed threatened or endangered species are not known at these specific locations.
- b. Project Effects on Endangered and Threatened Species

Existing Corps use of these areas is not expected to affect federally-listed sensitive species as a result of this project. The U.S. Fish and Wildlife Service (Service) will be notified by public notice of this proposed project and we will incorporate their comments into the Final Environmental Assessment.

3.6 CULTURAL RESOURCES

- a. A cultural resources survey of portions of the flood control basins behind the two dams were surveyed for historic and prehistoric resources in 1977 by the Archaeological Research unit, at the University of California at Riverside (Helen Wells 1977). This survey identified more than 20 prehistoric archaeological sites within, and near both flood control basins. Several of these may be eligible for listing on the National Register of Historic Places.
- b. Project Effects on Cultural Resources

Revision of the Water Control Manual itself would not have the potential to cause effects to resources behind the dams. As the revision would not change the actual inundation period or duration, the effects would be the same as before the revision.

3.7 WATER QUALITY AND SUPPLY

a. Water sources within the project area include natural washes and creeks. Some livestock grazing occurs in the vicinity and this animal waste may degrade water quality. All roads in the area are graded dirt. In the winter the precipitation can fall as snow. Some local surface water is likely to contain trace amounts of organic nutrients, liquid and solid animal waste, herbicides and petroleum products from use by recreational vehicles. Game

hunting occurs on Corps and adjacent lands which may contribute a small quantity of lead to the environment.

b. Project Effects on Water Quality and Supply

Neither surface water nor groundwater qualities are expected to be affected by this project. Without the two dams this water would flow unimpeded through the regular drainage area.

3.8 FLOOD CONTROL AND HYDROLOGY

- a. Mathews and Pine Canyon Dams are both ungated flood control structures designed to work in conjunction with one another to control floods. The dams control floods up to and including the reservoir design flood such that the peak overflows from each dam are safely carried in downstream reaches. Floodwaters are temporarily stored in the reservoir and slowly released through a 3.5 foot-diameter conduit for each dam.
- a. Both dams are ungated. When storm water reaches the height of the outlet, it flows out via gravity. The Pine Canyon Dam watershed encompasses 45 square miles. Mathews Canyon FCB watershed is 34 acres. The twin dams are owned and maintained by the U.S. Army Corps of Engineers (ACOE). The size and design of the outlet works determine the outflow capacity.
- b. Project Effects on Flood Control and Hydrology

Both dams detain storm water until the water reaches the outlet works, elevation 5420 ft. mean sea level (M. S. L.) Mathews and 5604 ft. M.S.L. Pine Canyon. If storm water inflow exceeds outlet capacity, the water ponds. If the impounded water reaches the spillway elevation, (elevation 5461 ft. Mathews Canyon, and 5675 ft. Pine Canyon) it discharges via the spillway. Ungated dams cannot impound water permanently nor can the discharge rate be changed. Impoundment undoubtedly alters the downstream hydraulics by interfering with natural flooding regimes, by helping concentrate water flows. No significant adverse effects to flood control and/or hydrology are foreseen as a result of this project.

3.9 RECREATION

Besides being an important civil works flood control structure, Pine Canyon and Mathews Canyon are rural recreation venues. Each basin has two picnic shelters with tables and a pit toilet. People use the shelters for day use and camping. These facilities are maintained by BLM but were built by the Corps.

b. Project Effects on Recreation

The project does not impact the recreation facilities which are built as floodable structures.

3.10 AIR QUALITY

- Ambient air quality on the site is largely affected by wind.
- b. Project Effects on Air Quality

This project has no impact on air quality on or off-site.

3.11 SOILS AND GEOLOGY

- a. Pine Canyon geology is a shallow cover where young materials overlay older bedrock soils from igneous rock. Erosion factor is slight to moderate. Mathews has tertiary volcanic rocks, lava flows and tuffs. Soils are on semi-arid terraces and fans with slight erosion potential.
- b. Project Effects to Soils and Geology

The project is expected to have no significant effect on soils and geology.

3.12 EROSION AND SEDIMENTATION

- a. The ground surface of Pine Canyon FCB and Mathews FCB are largely covered by grassland vegetation with a few ponderosa pines (Pinus ponderosa). The ground slopes so gradually that erosion does not occur in either basin. There may be minimal soil erosion (scouring) at the end of outlet works channels at both dams.
- b. Project Effects to Erosion and Sedimentation

Temporarily impounding water at each basin causes the water to drop part of its bed load. When the sediment deposit reaches a particular volume at either dam, it is removed from that basin by machinery and taken off-site. This restores each basin's original sediment storage capacity.

3.13 MINERAL RESOURCES

- No mining or oil leases exist in either basin.
- b. Project Effects on Mineral Resources

No impacts are expected.

3.14 LAND USE AND MASTER PLAN COMPATIBILITY

- a. There are no Corps of Engineers Master Plans for Pine Canyon or Mathews Canyon and no recreation, agriculture or other lessees. There are two picnic ramadas with tables and one restroom at each basin. BLM's Caliente Resource Area Office unofficially oversees the recreation use at these two basins.
- b. Project Effects on Land Use and Master Plan Compatibility

This project will not cause any significant adverse effect to land use.

3.15 ECONOMICS

- a. Both dams provide flood protection for many downstream residents and users. Pine Canyon and Mathews Canyon protect 80 miles of Union Pacific Railroad track, the town of Caliente and 3,500 acres of farmland, thus representing a large economic benefit. This water control manual revision has been determined as necessary in order to maintain the appropriate degree of readiness to manage future flood events.
- b. Project Effects on Economics

None.

3.16 SAFETY AND HEALTH

a. The project is expected to result in a continued positive effect on the safety and health of local downstream Lincoln County, Nevada residents. No significant adverse effects are foreseen.

Currently the water control manuals for the project area are considered to need such attention.

b. Project Effects on Safety and Health

No effect.

3.17 NOISE

- Existing uses on the sites do not now create nuisance noise.
- b. Project Effects to Noise

No noise impacts will occur.

3.18 TRAFFIC

- a. Regional access to both sites is provided by a small network of dirt roads off the main highway. On occasional years the U.S. Army Corps of Engineers performs maintenance and periodic inspections at the structures and their access points.
- b. Project Effects to Traffic

No traffic impacts are anticipated.

3.19 AESTHETICS

- a. The project areas are quiet open space and generally used for low-impact recreation activities when actively used at all.
- b. Project Effects to Aesthetics

This project will have no impact on aesthetics

3.20 SCIENTIFIC AND EDUCATIONAL VALUE

- a. The natural landscape at the two sites provides low-quality native and ruderal habitats that are of some scientific and educational value concerning high desert ecology and hydrology. These resources are used by wildlife and by local residents interested in enjoying and learning about southern Nevada ecology, bird life and mammals.
- b. Project Effects to Scientific and Educational Value

No significant adverse effects to scientific and educational values at these locations are expected as a result of the project.

3.21 ENERGY NEEDS AND EFFICIENCY

- a. Both project sites use energy to transmit daily water flow information via an automated telemetry system.
- b. Project Effects to Energy

The project is expected to have no significant adverse effects to energy needs or efficiency.

ENVIRONMENTAL IMPACTS

The proposed project would not result in significant impacts to the above-mentioned list of

environmental parameters. No adverse impacts associated with the project will occur. Some beneficial impacts to flood management may result from this project.

Cumulative impacts are expected to remain near zero since no additional activities are proposed at these remote facilities.

4.0 ALTERNATIVES REVIEW

NEPA requires that an alternatives review be completed before embarking on a significant federal action. The alternatives involve the Preferred Project (Full Action Alternative, revise both water control manuals), or Only 1 Manual (Some Action Alternative) or No Project (No Action Alternative). We have chosen the Preferred Project: Revise Both Manuals which updates our flood management based on the latest historic flood data and computer simulations thus enhancing our flood management for this region. The Proposed Project has been determined at this stage to be the best alternative to accomplish this task.

5.0 MITIGATION (if needed)

No effects to the envioenmental or cultural resources will occur as the result of this project which is to gather baseline environmental data.

No significant effects have been noted and therefore no mitigation is planned.

6.0 COMPLIANCE WITH APPLICABLE FEDERAL ENVIRONMENTAL LAWS AND REGULATIONS

The following federal laws and regulations were considered in preparation of this environmental assessment.

LAW/REGULATION COMPLIANCE ACTION

National Historic Preservation Act Revision of the water control manual does not have the potential to cause effects to NRHP resources. As the revision would not change the actual inundation period or duration, the effects would be the same as before the revision. Based on this determination the Corps has no further obligations under Section 106 of the Act (36 CFR 800.3(a((1))).

Clean Air Act The project is in compliance. The Corps will be responsible for complying with all applicable federal, State, and local air quality laws.

Clean Water Act The project is in compliance. No jurisdictional wetlands will be affected.

Endangered Species Act The project will be in compliance. No federally listed threatened or endangered species would be adversely affected by implementation of the project. The US Fish and Wildlife Service has been notified of this project and will receive a copy of receive a copy of this draft Environmental Assessment for their review and comments.

National Environmental Policy Act The project is in compliance. This final Environmental Assessment is consistent with the requirements of NEPA.

Floodplain Management (E.O. 11988) This is a flood control project and does not compromise the intent of this law.

Protection of Wetlands

No impacts to wetlands will occur.

7.0 COORDINATION AND RELATED ENVIRONMENTAL DOCUMENTATION

The following agencies have been notified of this Final Environmental Assessment and were forwarded copies of this document for review:

Local:

County of Lincoln, Nevada

State of Nevada:

Department of Conservation and Natural Resources State Historical Office of Preservation State Department of Transportation

Federal:

Army Corps of Engineers
Fish and Wildlife Service
Environmental Protection Agency
Bureau of Land Management

Ronald James, SHPO Nevada State Historic Preservation Office 100 North Stewart Street Carson City, NV 89710

Corrine Hogan Lincoln County Government Lincoln County Government County Courthouse U.S. Highway 93 Pioche, NV 89043

Shirley Johnson DOI, BLM Caliente Field Office P.O. Box 2 Caliente, NV 89008

State of Nevada Dept. Of Conservation & Natural Resources 123 W. Nye Lane Room 230 Carson, City, NV 89706-0818

Nevada Dept. Of Transportation 1263 S. Stewart Street Carson City, NV 89712

EPA - Region IX 75 Hawthorne Street San Francisco, CA 94105

DOI, USFWS
Eastside Federal Complex
911 NE 11th Avenue
Portland, OR 97232

In addition, other individuals, associations, and agencies are being contacted in this mailing for their comments to be included. This mailing list is being finalized at this time.

Environmental Documentation

Bureau of Land Management. 1979. (Final) Caliente Environmental Statement - Proposed Domestic Livestock Grazing Management Program.

U.S. Army Corps of Engineers. 1963. Operations and maintenance Manual For Mathews Canyon Dam and Pine Canyon Dam - Meadow Valley Wash and Lower Muddy River Basins, Nevada

- U.S. Army Corps of Engineers. 1955. Design Memorandum # 2, General Design For Mathews Canyon Dam Meadow Valley Wash and Lower Muddy River Basins, Nevada
- U.S. Army Corps of Engineers. 1975. Reservoir Regulation Manual For Mathews Canyon Dam
- U.S. Army Corps of Engineers. 1974. Reservoir Regulation Manual For Pine Canyon Dam
- Wells, Helen. 1977. Description and Evaluation of the Cultural Resources Within Matthews canyon and Pine Canyon, Lincoln County, Nevada. Archaeological Research Unit, University of California Riverside. Prepared for the U.S. Army Corps of Engineers.

8.0 PREPARER(S)

Phyllis Träbold, Ecologist Operations Branch, Los Angeles District U.S. Army Corps of Engineers